IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BUKSHPAN4

In re Application of:

Shmuel BUKSHPAN

Art Unit: 1765

Appln. No.: 10/561,244

Examiner:

Filed: December 19, 2005

For: METHODS AND APPARATUS FOR APPLICATION OF BIOMOLECULES

Atty. Docket: BUKSHPAN4

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Mart Unit: 1765

Maching to 1765

July 10, 2006

RAPID CRYSTALLIZATION OF BIOMOLECULES

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Honorable Commissioner for Patents U.S. Patent and Trademark Office Randolph Building, Mail Stop Petitions 401 Dulany Street Alexandria, VA 22314

Sir:

Applicant hereby requests that the present application be granted special status so as to receive accelerated examination in accordance with 37 C.F.R. \$1.102(d). The requirements set forth in MPEP \$708.02.VIII are all included herewith as follows.

MPEP \$708.02.VIII provides that a new application may be granted special status provided that applicant complies with each of five specified items. These items set forth in the MPEP under paragraphs (A)-(E) will be discussed in turn below.

- (A) The present paper is a petition to make special. The fee set forth in 37 C.F.R. §1.17(h) is attached hereto.
- (B) All of the claims must be directed to a single invention or if the Office determines that all of the claims presented are not obviously directed to a single invention, applicant agrees to make an election without traverse as a prerequisite to the grant of special status.

It is believed that all 87 of the present claims are directed to single invention as is evidenced by the fact that all were searched and examined during the international phase of the present application. However, if the Office determines that all the claims presented are not obviously directed to a single invention, applicant hereby agrees to make an election without traverse.

(C) A statement must be submitted that a preexamination search was made, listing the field of search by
class and subclass, publication, Chemical Abstracts, foreign
patents, etc. A search made by a foreign patent office
satisfies this requirement if the claims in the corresponding
foreign application are of the same or similar scope to the
claims in the U.S. application for which special status is
requested.

Applicant hereby states that a search was made by the United States International Searching Authority by

Examiner Felisa Hiteshew. A copy of the International Search Report is attached hereto. It indicates that U.S. classes 117/68; 436/180, 174, 166; and 530/395 were searched. Furthermore, it indicates that STN (hcaplus, inspec, japio, uspatall) were searched.

- (D) One copy each of the references deemed most closely related to the subject matter encompassed by the claims must be submitted. The only patent listed in the International Search Report is a U.S. patent, and it is referred to on an Information Disclosure Statement submitted herewith. In view of the fact that U.S. patents are readily available to examiners, it is believed that this is equivalent to submitting a copy of the reference. The references cited in the Background section of the present application are also present in the Information Disclosure Statement.
- (E) A detailed discussion of the references must be submitted, which discussion points out, with the particularity required by 37 C.F.R. §1.11(b) and (c), how the claimed subject matter is patentable over the references.

Attached hereto is a copy of the International Preliminary Report on Patentability which shows that all of the claims were considered to be novel and to possess an inventive step over the reference found in the search and all were found to possess industrial applicability. The Written

In re of Appln. No. 10/561,244

Opinion of the International Searching Authority was signed by Benjamin Utech of the U.S. Patent and Trademark Office. This should be sufficient to establish that the claimed subject matter is patentable over the reference cited in the International Search Report. As stated in the last paragraph on page 2 of the present specification, the present invention is based in part on the unexpected discovery that concentrating a dilute protein solution by utilizing any IEF procedure generates a protein solution that facilitates rapid crystallization of the proteins within the solution. This discovery and insight is not disclosed by any of the references mentioned in the Background section of the present specification. Accordingly, the claimed subject matter is patentable over the references.

Accordingly, granting of special status to the present application and issuance of a first official action on the merits as soon as possible is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C. Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:rd

Telephone No.: (202) 628-5197 Facsimile No.: (202) 737-3528

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/00794

A. CLA IPC(7)	SSIFICATION OF SUBJECT MATTER : C30B 29/54; G01N 01/10; C07K 01/00						
US CL. : 117/68: 436/180, 174, 166; 530/395							
According to International Patent Classification (IPC) or to both national classification and IPC							
	DS SEARCHED						
Minimum do U.S. : 1	ocumentation searched (classification system followed 17/68; 436/180, 174, 166; 530/395	by classifica	ition symbols)	3			
Documentati N/A	on searched other than minimum documentation to the	extent that	such documents are included	in the fields searched			
	nta base consulted during the international search (names, inspec, japio, uspatall)	e of data ba	se and, where practicable, sea	arch terms used)			
C. DOC	UMENTS CONSIDERED TO BE RELEVANT						
Category *	Citation of document, with indication, where a	ppropriate,	of the relevant passages	Relevant to claim No.			
A,E	US 6,808,934 B2 (Mutz, et al) 26 October 2004			1-87			
11,2							
	*						
	* ×						
Furthe	r documents are listed in the continuation of Box C.		See patent family annex.				
* 5	Special categories of cited documents:	"T"	later document published after the int date and not in conflict with the appli	emational filing date or priority			
	t defining the general state of the art which is not considered to be		principle or theory underlying the inv	vention			
"E" earlier ap	oplication or patent published on or after the international filing date	"X"	document of particular relevance; the considered novel or cannot be consid when the document is taken alone				
establish	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)		document of particular relevance; the considered to involve an inventive ste combined with one or more other suc	p when the document is			
"O" documen	t referring to an oral disclosure, use, exhibition or other means		being obvious to a person skilled in the				
priority d	t published prior to the international filing date but later than the late claimed	"&"	document member of the same patent				
	ctual completion of the international search	Date of m	ailing of the international sear FEB 2005	ch report			
O5 January 20	005 (05.01.2005) ailing address of the ISA/US	Authorize					
Ma Cor	il Stop PCT, Attn: ISA/US nmissioner for Patents	Felisa Hi	white				
Ale	i. Box 1450 xandria, Virginia 22313-1450 i. (703)305-3230	Telephone	No. (571) 272-1700				

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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

WEBB, Cynthia Webb & Associates P.O. Box 2189 76121 Rehovot ISRAËL

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Date of mailing (day/month/year) 16 March 2006 (16.03.2006)			-			
Applicant's or agent's file reference BUKSHPAN/001 PCT		I	MPORTANT NOTICE			
International application No. PCT/IL2004/000794	International filing do 02 September	nte (day/month/year) 2004 (02.09.2004)	Priority date (day/month/year) 03 September 2003 (03.09.2003)			
Applicant	BIOFORMS et al					
The International Bureau transmits berewith Treaty)	a copy of the internationa	l preliminary report on pate	entability (Chapter I of the Patent Cooperation			
The International Rureau	-CWADA	Authorized officer				

Facsimile No.+41 22 740 14 35

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

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Simin Baharlou

Facsimile No.+41 22 338 71 30

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference BUKSHPAN/001 PCT	FOR FURTHER	ACTION	See item 4 below		
International application No. PCT/IL2004/000794	International filing date (day/102 September 2004 (02.09				
International Patent Classification (8 See relevant information in Form		dicated)			
Applicant BIOFORMS					
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This international preliminar International Searching Auth		r I) is issued by the	International Bureau on behalf of the		
2. This REPORT consists of a	otal of 4 sheets, including this co	over sheet.			
In the attached sheets, any re	ference to the written opinion of	the International Se	earching Authority should be read as a reference		
to the international prelimina	ry report on patentability (Chapt	ter I) instead.			
3. This report contains indication	ons relating to the following item	ns:			
Box No. I	Basis of the report				
Box No. II	Priority				
Box No. III	Non-establishment of opinapplicability	nion with regard to i	novelty, inventive step and industrial		
Box No. IV	Lack of unity of inventior	1			
Box No. V	Reasoned statement under applicability; citations and		regard to novelty, inventive step or industrial orting such statement		
Box No. VI	Certain documents cited				
Box No. VII	Certain defects in the inte	rnational application	n		
Box No. VIII	Certain observations on the	ne international appl	lication		
			ccordance with Rules 44bis.3(c) and 93bis.1 but fore the expiration of 30 months from the priority		
date (Rule 44 <i>bis</i> .2).					
		Date of issuance of 06 March 2006			
The International E	Bureau of WIPO	Authorized office	г		
34, chemin des 1211 Geneva 20	Colombettes	Simin Baharlou			
Facsimile No. +41 22 740 14 35		Telephone No. +4	11 22 338 71 30		

PATENT COOPERATION TREATY

The CYNTHIA WEBB WEBB & ASSOCIATES P.O. BOX 238 REHOVOT, ISRAEL 76121 Applicant's or agent's file reference Applicant's or agent's file reference PORT HETERACTION See paragraph 2 below FOR FURTHER ACTION See paragraph 2 below Priority date (day/month/year) Priority date (day/month/year) Priority date (day/month/year) O3 September 2004 (02.99.2004) O3 September 2003 (03.09.2003) International application No. DIRECT): C300 29/54; G01N 01/10; C07K 01/00 and US CL: 117/68; 436/180, 174, 166; 530/395 Applicant BOFORMS 1. This opinion contains indications relating to the following items: BON No. II BON No. IV Certain documents cited BON No. VII Certain documents cited BON No. VII Certain documents cited DON No. VIII Certain observations on the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority (TIPEA')* except that this does not apply where the applicant chooses and Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 63. Integral to make the capitation of 3 months from the date of FORM POTENTIA/220 or before the expiration of 22 months from the priority date, whichever expires later. POS DON OF THE SEA/US MAIN SUPPLY ACCUMENT OF THE SEA/US MAIN SUPPLY ACCUM	" From the INTERNA"	TIONAL SEARCE	IING AUTE	IORITY				
REHOVOT, ISRAEL 76121 WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) 18 FEB 2005 FOR FURTHER ACTION See paragraph 2 below FOR FURTHER ACTION See paragraph 2 below 1. This opinion comains indications relating to the following items: Dox No. I Dasks of the opinion BOX No. IV Lack of unity of invention BOX No. IV Lack of unity of invention BOX No. VI Certain decomments cited BOX No. VI Certain decomments cited BOX No. VI Certain defects in the international application BOX No. VII Certain defects in the international application BOX No. VII Certain deservations on the international application FOR FURTHER ACTION If a demand for international preliminary examination is made, this opinion of the International Bureau under Rule 64. Policy of the International Preliminary Examining Authority ("IPBA") except that this does not apply where the applicant chooses an Authority other than this one to be the PPBA and the chosen IPBA has notified the International Bureau under Rule 66. Policy (b) that written opinions of this parametrians Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the International Bureau under Rule 66. Policy (b) and sile opinion is, as provided above, considered to be a written opinion of of Form PCT/ISA/220. Seatmule No. (2033)30-3230 Name and mailing address of the ISA/ US Mail Sup PCT. Ann. ISA/US Alexandria, Virgina 2231314450 FOR TURNER ACTION Triephone No. (703) 308-0661	To: CYNTHI WEBB &	A WEBB ASSOCIATES				PCT		
Date of mailing (clay/month/year) Applicant's or agent's file reference BUKSHPAN/001 PCT International application No. PCT/IL-04/00794 O2 September 2004 (072.09.2004) O3 September 2003 (03.09.2003) International application No. PCT/IL-04/00794 O2 September 2004 (072.09.2004) O3 September 2003 (03.09.2003) International Patient Classification (IPC) or both national classification and IPC IPC(T): C30D 29/54; G01N 01/10; C07K 01/00 and US C1: 117/68; 436/180, 174, 166; 530/395 Applicant BIOFORMS I. This opinion contains indications relating to the following items: Box No. I Priority Box No. II Priority Box No. IV Lack of unity of invention Box No. IV Lack of unity of invention Box No. V Leasoned statement under Rule 43bis. 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Box No. VI Certain defects in the international application Box No. VII Certain defects in the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPBA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPBA and the chosen IPBA has protified the International Bureau under Rule 66.1bis(b) that written opinions of this international Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPBA, the applicant is invited to submit to the IPBA as written reply together, where appropriare, with amendments, before the expiration of 3 months from the date of mailing of Form PCTI/SA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further opinions, see Form PCTI/SA/220. Name and mailing address of the ISA/1 US Mail Supplemental Supplemental Supplemental Supplemental Supplemental Supplemental Supplemental Supplemental Su								
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PCT/IL04/00794 O2 September 2004 (02.09.2004) O3 September 2003 (03.09.2003) International Patent Classification (IPC) or both national classification and IPC IPC(7): C30B 29/54; G01N 01/10; C07K 01/00 and US C1. 117/68; 436/180, 174, 166; 530/395 Applicant BOFORMS 1. This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Dox No. VIII Certain observations on the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ('IPBA') except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 (1bis 6b) that written opinions of this international Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. Name and mailing address of the ISA/ US Mail Stop PCT. Arm Is ISA/ US Commissioner for Paents P.O. Box 1450 Alexandria, Virginia 22313/1450 Telephone No. (703) 308-0661			!					
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Box No. VIII Certain observations on the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. Name and mailing address of the ISA/ US Mail Stop PCT, Atm. ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Telephone No. (703) 308-0661		Box No. VI	Certain docu	ments cited				
2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. Name and mailing address of the ISA/US Mail Stop PCT, Atm. ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 1450 Telephone No. (703) 308-0661		Box No. VII	Certain defe	cts in the international ap	plication			
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. Name and mailing address of the ISA/ US Mail Stop PCT, Atm: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Telephone No. (703) 308-0661		Box No. VIII	Certain obse	ervations on the internation	nal application			
Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 Alexandria, Virginia 22313 Telephone No. (703) 308-0661	2. FUR	THER ACTION						
Name and mailing address of the ISA/ US Mail Stop PCT, Atm: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 Facsimile No. (703)305-3230 Authorized appropriate, with amendments, before the expiration of 3 months from the date of mailing address, whichever expires later. Authorized officer Benjamin Utech Telephone No. (703) 308-0661	If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Burgay under Rule 66 thicks.							
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Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 1450 Facsimile No. (703)305-3230 Benjumin Utech Benjumin Utech Telephone No. (703) 308-0661	3. For further details, see notes to Form PCT/ISA/220.							
Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 1450 Facsimile No. (703)305-3230 Benjamin Utech Telephone No. (703) 308-0661					Authorized officer			
P.O. Box 1450 Alexandria, Virginia 22313 1450 Facsimile No. (703) 305-3230 Telephone No. (703) 308-0661	M C	lail Stop PCT, Attn: 1 ommissioner for Pate	ISA/US ents	-	Benjamin Utech	t./		
Facsimile No. (703)305-3230	P.	O. Box 1450				γ 5.		
	Facsimile N	lo. (703)305-3230			Telephone No. (70	33) 308-0661		

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL04/00794

Box No. I Basis of this opinion	
1. With regard to the language, this opinion has been established on the basis of the international it was filed, unless otherwise indicated under this item.	application in the language in which
This opinion has been established on the basis of a translation from the original language which is the language of a translation furnished for the purposes of international search (into the following language, under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international claimed invention, this opinion has been established on the basis of:	application and necessary to the
a. type of material	
a sequence listing	
table(s) related to the sequence listing	
b. format of material	
in written format	
in computer readable form	
c. time of filing/furnishing	
contained in international application as filed.	
filed together with the international application in computer readable form.	
furnished subsequently to this Authority for the purposes of search.	
In addition, in the case that more than one version or copy of a sequence listing and/filed or furnished, the required statements that the information in the subsequent or addition the application as filed or does not go beyond the application as filed, as appropriate, we	tional copies is identical to that in
4. Additional comments:	
1	
i 	
orm PCT/ISA/237(Box No. D. Garnary 2004)	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/IL04/00794

Box No. V Reasoned st applicability								itive step	or industrial
1. Statement	İ								
Novelty (N)				Claims	1-87			-	YES
				Claims	NONE				NO
Inventive step	(IS)			Claims	1-87				YES
					NONE				NO
Industrial appl	icability (TAY		Claims	1-87				YES
maaanar appi	iodomity ((111)			NONE.				NO
			levels and a second description of the secon						
2. Citations and explanati Claims 1-87 meet the criter matter.		î Article	: 33(2) an	d (3) becau	ise the referen	ces fail to	o disclose or	suggest the	claimed subject
Claims 1-87 meet the criteri	a for PCT	À rticle	33(4) thu	e havina ir	idustrial applic	ahilitu be	ecause the st	hiect matter	r can be made or
used in the industry,	a loi i e i	Atticio	33(4) 111 u	s naving n	idastriai applic	apinty of	cause me si	iojeet matte	can oc made of
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